REMARKS

A Request for Continued Examination (RCE) pursuant to 37 C.F.R. §1.114 accompanies this Response. Applicant respectfully requests entry of the above Amendments, where new claims 9 through 12 have been inserted. This response addresses the Office's detailed action of February 14, 2002, wherein the Office rejected claims 3-8 under 35 U.S.C. §103(a) as being unpatentable over Cardinal et al. (U.S. Pat. No. 5,799,318) in view of Doyle, et al. (U.S. Pat. No. 5,838,906). Applicant presents arguments below that address the Office's rejection of claims 3-8. Applicant respectfully submits that the arguments traverse the Office's rejection of claims 3-8 and that claims 3-12 are in condition for allowance.

Applicant notes that the Office's detailed action includes two paragraphs numbered "4"; Applicant refers to these herein as ¶ 4a and ¶ 4b.

Claim 3

In ¶ 3 of the instant Office Action, the Office rejected claim 3 over Cardinal, et al. (or Cardinal reference), in view of Doyle, et al. (or Doyle reference). Claim 3 recites:

A graphical interactive method for permitting a computer system to access a web site, the method comprising the steps of:

displaying a desktop icon, said desktop icon associated with an address of the web site;

launching a browser application in response to a user of said computer system selecting said desktop icon for execution; and

accessing the web site using said browser application and said address of the web site.

Applicant respectfully submits that Cardinal does not disclose, teach or suggest the subject matter of claim 3. The Cardinal reference does not disclose the browser application of claim 3. Instead, the Cardinal discloses an item browser that pertains to modifications to an item (col. 10, lines 65-67). According to the Cardinal reference the item browser allows for a precursory examination of information within a given view (col. 10, lines 34-35); provides a user with further information about the modification history of a particular item (col. 11, lines 65-67); and allows a user to mark an item as read (col. 12, lines 12-13). Hence, this item browser does not appear to be capable of accessing a web site, as recited in claim 3.

Further, the Cardinal reference does not disclose the launching of claim 3. First, the Cardinal reference does not disclose, teach or suggest the browser application recited in claim 3 and second, it teaches initiating the item browser window from a command in an item menu (col. 11, lines 59-61) – not via a desktop icon as recited in claim 3.

Yet further, the Cardinal reference does not disclose the desktop icon of claim 3. Rather, the Cardinal reference discloses a launch view that provides a user with a documented set of launching icons (col. 10, lines 49-53). The launching icons of the Cardinal reference are in no way associated with an address of a web site; instead, attachment icons for an attached file are disclosed wherein user selection of an attachment icon provides access to the attached file (col. 6, lines 63-67) (e.g., consider the word processing document icon 410 of Fig. 4). Nowhere does the Cardinal reference disclose a desktop icon associated with an address of the web site, as recited in claim 3.

Applicant also asserts that the Doyle reference does not disclose, teach or suggest various subject matter of claim 3. While the Doyle reference does disclose a

browser client for accessing a website; it does not disclose, teach or suggest launching a browser application in response to selecting a desktop icon, as recited in claim 3. Instead, the Doyle reference discloses modification of a browser client. For example, the modifications of the Doyle reference purportedly allow the browser client to parse a hypermedia document and detect links to data objects in the document (col. 9, lines 24-28). Yet further, the Doyle reference states that an embedded program link identifies an application client that resides on the same computer as the browser client (col. 9, lines 28-34). According to the Doyle reference the application client is initiated via the browser client and the application client and the browser client are separate and different applications (e.g., "the application [client] is started as a child process of the current running process (Mosaic)" col. 15, lines 22-23). On the basis of these excerpts, it is clear that the Doyle reference does not disclose launching a browser application in response to selecting a desktop icon, where the desktop icon is associated with an address of a web site and the browser application accesses the web site using the address, as recited in claim 3.

For the aforementioned reasons, Applicant asserts that claim 3 is patentable over the Cardinal reference in view of the Doyle reference. In particular, the combination of Cardinal and Doyle fails to teach or suggest "launching a browser application in response to a user of said computer system selecting said desktop icon for execution" and "accessing the web site using said browser application and said address of the web site" that is associated with the desktop icon, as required in claim 3.

Further, Applicant fails to find any motivation to combine the Cardinal reference and the Doyle reference. Regarding motivation to combine references, the

Federal Circuit has reinforced in myriad decisions that "a showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'". Brown & Williamson Tobacco Corp. v. Phillip Morris Inc., 229 F.3d 1120, 1124-124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000), quoting C.R. Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). More specifically, "particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claims". In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Applicant asserts that the subject matter of the Cardinal reference and the Doyle reference differ in purpose. The Cardinal reference pertains to organizing and reviewing information (Abstract) while the Doyle reference pertains to modification of a browser client (see, e.g., col. 14, lines 9-39). Applicant can make no particular findings as to the reason a skilled artisan would associate these two references. For example, no particular reason exists to associate the "item browser" of the Cardinal reference and the "browser client" of the Doyle reference; no particular reason exists to associate the "attachment icons" and the "browser client"; and no particular reason exists to associate the "attachment icons" and the "launching" with the "browser client". Even assuming arguendo that a motivation to combine these two references did exist, Applicant fails to see how the teachings of the Cardinal reference and those of the Doyle reference could be used to render the claimed subject matter obvious and hence unpatentable. For example, the "attachment icons" are not even associated with a web site; thus, how could they ever be used to direct the "browser client" to a web site. Plain and simply, neither reference discloses a desktop icon associated with a web site or, for that matter, the launching and accessing as recited

in claim 3. Therefore, Applicant respectfully traverses the Office's 103(a) rejection of claim 3 over Cardinal, et al., in view of Doyle, et al.

Claims 4-8

In ¶¶ 4b – 6, the Office rejected claims 4-8. For the reasons given above, Applicant respectfully traverses the Office's rejection of the subject matter of claims 4-8 over Cardinal, et al., in view of Doyle, et al. In particular, the Cardinal reference and the Doyle reference do not teach or suggest the subject matter of claims 4-8. Further, there is no motivation to combine the Cardinal reference and Doyle reference.

Conclusion

Pending claims 3-12 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: July 12, 2002

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Version of amended claims with markings to show changes made

9. (new)   One or more computer-readable media having computer-readable instructions thereon which, when executed by a programmable device, launch a browser application in response to a user of the programmable device selecting a desktop icon for execution, the desktop icon associated with an address of a web site accessible by the browser application.

10. (new)   A desktop icon associated with a web site wherein selection of the desktop icon launches a browser application and causes the browser application to access the web site.

11. (new)   One or more computer-readable media having computer-readable instructions thereon which, when executed by a programmable device in response to selection of a desktop icon associated an address of a web site, launch a browser application capable of accessing the web site using the address.

12. (new)   A graphical interactive system comprising:

means for displaying a desktop icon, said desktop icon associated with an address of a web site;

means for launching a browser application in response to a user of said system selecting said desktop icon for execution; and

means for accessing the web site using said browser application and said address of the web site.